

U.S. Offers California Tribe Water Plan to End Dispute

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Federal officials presented leaders of the Hoopa Valley Indian tribe with a proposal on Tuesday for resolving a decades-old dispute over the Trinity River, which has been a symbol of the often irreconcilable water demands of farmers and fishing communities in the West.

The proposal would set rules on the amount of water diverted for irrigation and create an "emergency water bank" so levels in the river could be adjusted when fish suffer disease or face other problems associated with low water flows.

But early reaction from tribal leaders was not favorable. After meeting for more than two hours with federal officials in Sacramento, the Hoopa tribe's director of fisheries, Mike Orcutt, said the government proposal favored the farmers, who are represented by the Westlands irrigation district.

"The proposal was essentially another regurgitation of a similar proposal from Westlands," he said in a phone interview. "I may not sound real upbeat, but nonetheless tomorrow comes and we continue to participate and pursue alternatives."

Use of the water from the Trinity River, a cold-water tributary to the larger Klamath River, has been in dispute since the early 1960's, when dams were built by the federal government to send water and power to farms in the Central Valley.

The dams not only tamed the once barreling river, which slices through the Hoopa reservation in remote Northern California, they also left fishing communities in decline by reducing the runs of salmon and steelhead trout. At the same time, the diversion of water to farmland through the federally financed Central Valley Project helped sustained California's agricultural boom.

More recently, the Trinity figured prominently in a debate over a fish kill in 2002 along the lower Klamath River in which 33,000 fish, mostly salmon, died. Some biologists who studied the die-off suggested that additional flows of cold water into the Klamath from the Trinity might have saved some of the fish.

Steve Thompson, the operations manager for California and Nevada at the United States Fish and Wildlife Service, said the proposal presented Tuesday to the tribe was made with the 2002 fish kill in mind.

"The river can be run more predictably and flexibly," Mr. Thompson said. "We believe we can have an impact on the fish kills."

The meeting in Sacramento was considered important enough by the Bush administration to involve Bennett W. Raley, the assistant Interior secretary for water and science. Mr. Raley was also to meet with officials from the Westlands irrigation district and the Northern California Power Agency, a consortium of power agencies that obtain hydroelectric power from the Trinity.

Mr. Raley acknowledged in a telephone interview that the Hoopa "found little if anything of value in the proposal" but he also indicated that the discussions would continue.

"This is one of those cases where there is no free lunch," Mr. Raley said. "There is not enough water to go around. The first priority is the Trinity, but we also have very intense needs for water on the other side, and that calls for some innovative thinking."

In an effort to speed things along, Mr. Raley said he asked the Justice Department to schedule settlement discussions in a lawsuit filed by the Westlands irrigation district and the power consortium over a restoration plan for the river approved by the Clinton administration in 2000.

That plan, which came about after nearly 20 years of study and calls for additional water flows for fish at the expense of irrigation, was blocked by a judge from being carried out because of the lawsuit.

"We are not giving up," Mr. Raley said. "The simple thing for us would be to simply walk away and let the litigation run its course, which takes months and years. We would like to bring the litigation and the controversy to closure."

Mr. Orcutt said the 2000 plan remained the soundest approach for restoring the river's badly depleted fish populations, the tribe's main concern. He said the tribe was in discussion with members of Congress, including Senator Dianne Feinstein, to help break the deadlock.

In a statement, Ms. Feinstein said: "I have offered to sit down with both sides if they want the help. At this point, the Interior Department has made a proposal, which hopefully will be acceptable. If it isn't, I am still prepared to sit down with both sides."